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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,066	04/15/2004	Alberto Sid	226/3	7220
24101	7590	06/04/2007		
BRUCE E. LILLING LILLING & LILLING PLLC P.O. BOX 560 GOLDEN BRIDGE, NY 10526			EXAMINER VO, TUYET THI	
			ART UNIT 2821	PAPER NUMBER
			NOTIFICATION DATE 06/04/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/825,066

Applicant(s)

SID, ALBERTO

Examiner

Tuyet Vo

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-17, 19-35 and 38-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 2-17, 38 and 39 is/are objected to.
- 8) ☒ Claim(s) 19-35 and 40 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/15/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

QUAYLE ACTION

Remarks

The applicant's reply filed March 12, 2007 to select the species 1 for examining in responding to the Office Action made February 16, 2007. Accordingly, claims 2-17, 19-35 and 38-40 are currently presented in the application.

Response to Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention.

Species 1, claims 2-17, 38 and 39; related to addressable lighting device (not changeable address) including means for **only switching the addressable lighting device into a programming mode.**

Species 2, claims 19-33; related to addressable lighting device having electronic address being **changed or set via a non-mechanical switch.**

Species 3, claims 34, 35 and 40; related to method of programming addressable lighting device including switch means for switching **between** a programming mode and an operating mode.

Species 1, 2 and 3 relate as subcombinations usable together.

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2. Applicant's election with traverse of claims 2-17, 19-35 and 38-40 in the reply filed on February 16, 2007 is acknowledged. The traversal is on the ground(s) that the independent claims of application are generic and do not cause distinct. This is not found persuasive because **variations among the species 1-3 presented in a non obviousness manner** as noted above. Such unobvious variation between groups of claim inventions causes distinct inventions and leads to different search areas.

Therefore, the requirement is still deemed proper and is therefore made FINAL.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 38 recites the limitation "said remote control means" and "said address field" in lines 9 and 14-15 respectively. There are insufficient antecedent basis for these limitations in the claim.

6. Claim 34 recites the limitation "said incoming signal" in lines 8. There is insufficient antecedent basis for this limitation in the claim.

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7. Claims 2-17 are also rejected due to their virtual dependency on the defective claim 38.

Allowable Subject Matter

8. Claims 2-17, 38 and 39 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

9. The following is a statement of reasons for the indication of allowable subject matter: the prior fails to establish an addressable lighting device and control system comprising a remote control means; at least one addressable lighting device with an electronic address and having a detecting means for detecting signals from said remote control, and a means for switching said addressable lighting device into a programming mode; a microcontroller; and a lighting means controlled by said addressable lighting device; wherein said remote control means transmitting said signal as a single channel signal in a serially transmitted data protocol manner, and further comprising means for synchronizing said lighting devices to signal a beginning of transmission of said serially transmitted data protocol; and means for generating said serially transmitted data protocol with an address field wherein a first byte of the address field being different than zero, and with an intensity level field corresponding to an intensity of a specific address defined by said address field as required in claim 38.

Citation of pertinent prior art

10. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. See prior arts/references listed on the PTO-892 form attached.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyet Vo whose telephone number is 571 272 1830. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Owens can be reached on 571 272 1662. The fax phone numbers for the organization where this application or proceeding is assigned are 571 273 8300 for regular communications and for After Final communications.

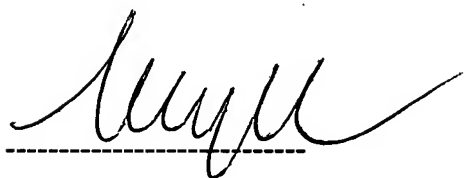
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571 272 2800.

Information regarding the status of an application or status information for publicizing/unpublicizing applications may be obtained from the Patent Application Information Retrieval (PAIR) system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the PAIR system, contact the Electronic Business Center (EBC) at toll free 866-217-9197.

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A handwritten signature in black ink, appearing to read 'Tuyet Vo', written over a horizontal dashed line.

Tuyet Vo

Primary Examiner

May 27, 2007